

By the Committees on Transportation; and Regulated Industries;
and Senator Hays

596-03863-11

20111824c2

1 A bill to be entitled
2 An act relating to regulated professions and
3 occupations; amending s. 322.142, F.S.; authorizing
4 the Department of Highway Safety and Motor Vehicles to
5 release certain digital images to the Department of
6 Business and Professional Regulation to identify
7 certain persons; amending s. 455.213, F.S.;
8 authorizing the Department of Business and
9 Professional Regulation to grant waivers of renewal
10 fees under certain circumstances; amending s. 455.271,
11 F.S.; revising continuing education requirements for
12 certain license reactivations; amending s. 475.42,
13 F.S.; revising violations and penalties for real
14 estate professionals; amending s. 477.0212, F.S.;
15 revising continuing education requirements for
16 cosmetology license reactivations; amending s.
17 477.0265, F.S.; revising prohibited acts for
18 cosmetologists; amending s. 481.217, F.S.; revising
19 continuing education requirements for license
20 reactivation of architect or interior design licenses;
21 amending s. 481.315, F.S.; revising continuing
22 education requirements for landscape architect license
23 reactivations; amending s. 489.116, F.S.; revising
24 continuing education requirements for contractor
25 license reactivations; amending s. 489.519, F.S.;
26 revising continuing education requirements for
27 electrical and alarm system contractor license
28 reactivations; repealing s. 475.611(1)(v), F.S.,
29 relating to Uniform Standards of Professional

596-03863-11

20111824c2

30 Appraisal Practice; repealing s. 475.626(1)(b) and
31 (c), F.S., relating to violations and penalties
32 against registered appraisers; amending s. 475.624,
33 F.S.; establishing professional standards for
34 appraisers by board rule; amending s. 475.628, F.S.;
35 authorizing the board to adopt rules establishing
36 standards of professional appraisal practice; amending
37 s. 509.032, F.S.; clarifying provisions relating to
38 the preemption to the state of the regulation of
39 public lodging and public food service establishments;
40 amending s. 509.261, F.S.; providing for remedial
41 training in response to certain violations by public
42 lodging and food service establishments; amending s.
43 10, chapter 2010-84, Laws of Florida; delaying the
44 effective date of provisions relating to the
45 discipline of appraisal management companies; creating
46 s. 473.3066, F.S.; authorizing the Board of
47 Accountancy to establish a peer review oversight
48 committee; providing for membership and duties of the
49 oversight committee; requiring the board to adopt
50 rules under certain circumstances; amending s.
51 473.311, F.S.; revising licensure renewal requirements
52 for firms engaged in certain aspects of the practice
53 of public accounting; requiring such firms to comply
54 with certain peer review requirements; providing an
55 exception; creating s. 473.3125, F.S.; defining terms
56 for purposes of peer review requirements; requiring
57 firms engaged in certain aspects of the practice of
58 public accounting to enroll in peer review programs

596-03863-11

20111824c2

59 and undergo peer reviews; providing for the frequency
60 of peer reviews; providing exceptions; requiring firms
61 that fail a specified number of peer reviews to submit
62 certain documentation to the board; requiring the
63 board to adopt rules establishing minimum standards
64 for peer review programs and requiring a peer review
65 administering organization to submit certain
66 information; providing for the approval of peer review
67 administering organizations; authorizing the board to
68 withdraw approval of peer review administering
69 organizations under certain circumstances; providing
70 that certain persons who perform specified
71 administrative services for a peer review
72 administering organization are immune from civil
73 liability; providing that the proceedings, records,
74 and workpapers of peer review administering
75 organizations are confidential and privileged;
76 providing exceptions; prohibiting persons involved in
77 peer reviews from testifying; amending s. 473.323,
78 F.S.; providing additional grounds for the discipline
79 of firms engaged in certain aspects of the practice of
80 public accounting, to which penalties apply;
81 authorizing disciplinary actions to be taken against
82 firms that fail to enroll in a peer review program, to
83 undergo a peer review, or to cooperate with a peer
84 review administering organization approved by the
85 board; revising requirements for reissuance of
86 licenses after compliance with disciplinary final
87 orders; conforming provisions; amending s. 481.205,

596-03863-11

20111824c2

88 F.S.; authorizing the Board of Architecture and
89 Interior Design to contract with certain private
90 entities for specific functions; repealing s. 686.201,
91 F.S., relating to sales representative contracts
92 involving commissions; amending s. 373.461, F.S.;
93 requiring certain appraisers to follow specific
94 standards of professional practice in appraisals
95 involving the restoration of the Lake Apopka Basin;
96 amending s. 475.25, F.S.; conforming and clarifying
97 certain real estate appraisal standards and practices;
98 amending s. 475.615, F.S.; conforming provisions
99 relating to standards of professional practice for
100 real estate appraisers; amending s. 475.617, F.S.;
101 conforming provisions relating to appraisal practice;
102 amending s. 475.6175, F.S.; conforming provisions
103 relating to appraisal practice; amending s. 475.6235,
104 F.S.; conforming provisions relating to appraisal
105 practice; amending s. 475.6245, F.S.; conforming
106 provisions relating to appraisal practice; providing
107 effective dates.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Subsection (4) of section 322.142, Florida
112 Statutes, is amended to read:

113 322.142 Color photographic or digital imaged licenses.—

114 (4) The department may maintain a film negative or print
115 file. The department shall maintain a record of the digital
116 image and signature of the licensees, together with other data

596-03863-11

20111824c2

117 required by the department for identification and retrieval.
118 Reproductions from the file or digital record are exempt from
119 the provisions of s. 119.07(1) and shall be made and issued only
120 for departmental administrative purposes; for the issuance of
121 duplicate licenses; in response to law enforcement agency
122 requests; to the Department of Business and Professional
123 Regulation pursuant to an interagency agreement for the purpose
124 of accessing digital images for reproduction of licenses issued
125 by the Department of Business and Professional Regulation or for
126 the purpose of identifying subjects who are under investigation
127 for unlicensed activity pursuant to s. 455.228; to the
128 Department of State pursuant to an interagency agreement to
129 facilitate determinations of eligibility of voter registration
130 applicants and registered voters in accordance with ss. 98.045
131 and 98.075; to the Department of Revenue pursuant to an
132 interagency agreement for use in establishing paternity and
133 establishing, modifying, or enforcing support obligations in
134 Title IV-D cases; to the Department of Children and Family
135 Services pursuant to an interagency agreement to conduct
136 protective investigations under part III of chapter 39 and
137 chapter 415; to the Department of Children and Family Services
138 pursuant to an interagency agreement specifying the number of
139 employees in each of that department's regions to be granted
140 access to the records for use as verification of identity to
141 expedite the determination of eligibility for public assistance
142 and for use in public assistance fraud investigations; or to the
143 Department of Financial Services pursuant to an interagency
144 agreement to facilitate the location of owners of unclaimed
145 property, the validation of unclaimed property claims, and the

596-03863-11

20111824c2

146 identification of fraudulent or false claims.

147 Section 2. Subsection (12) is added to section 455.213,
148 Florida Statutes, to read:

149 455.213 General licensing provisions.—

150 (12) The department may grant a fee waiver for a license
151 renewal to a licensee on a case-by-case basis due to financial
152 hardship or an error caused by the department.

153 Section 3. Subsection (10) of section 455.271, Florida
154 Statutes, is amended to read:

155 455.271 Inactive and delinquent status.—

156 (10) The board, or the department if there is no board,
157 shall require ~~Before reactivation,~~ an inactive or delinquent
158 licensee, except a licensee under chapter 473 or chapter 475, to
159 complete one renewal cycle of ~~shall meet the same~~ continuing
160 education in order to reactivate a license requirements, if any,
161 ~~imposed on an active status licensee for all biennial licensure~~
162 ~~periods in which the licensee was inactive or delinquent. This~~
163 ~~subsection does not apply to persons regulated under chapter~~
164 ~~473.~~

165 Section 4. Subsection (1) of section 475.42, Florida
166 Statutes, is amended to read:

167 475.42 Violations and penalties.—

168 (1) VIOLATIONS.—

169 (a) A person may not operate as a broker or sales associate
170 without being the holder of a valid and current active license
171 therefor. Any person who violates this paragraph commits a
172 felony of the third degree, punishable as provided in s. 775.082
173 or s. 775.083, or, if a corporation, as provided in s. 775.083.

174 (b) A person licensed as a sales associate may not operate

596-03863-11

20111824c2

175 as a broker or operate as a sales associate for any person not
176 registered as her or his employer.

177 (c) A broker may not employ, or continue in employment, any
178 person as a sales associate who is not the holder of a valid and
179 current license as sales associate; but a license as sales
180 associate may be issued to a person licensed as an active
181 broker, upon request and surrender of the license as broker,
182 without a fee in addition to that paid for the issuance of the
183 broker's active license.

184 (d) A sales associate may not collect any money in
185 connection with any real estate brokerage transaction, whether
186 as a commission, deposit, payment, rental, or otherwise, except
187 in the name of the employer and with the express consent of the
188 employer; and no real estate sales associate, whether the holder
189 of a valid and current license or not, shall commence or
190 maintain any action for a commission or compensation in
191 connection with a real estate brokerage transaction against any
192 person except a person registered as her or his employer at the
193 time the sales associate performed the act or rendered the
194 service for which the commission or compensation is due.

195 ~~(e) A person may not violate any lawful order or rule of~~
196 ~~the commission which is binding upon her or him.~~

197 (e) ~~(f)~~ A person may not commit any conduct or practice set
198 forth in s. 475.25(1)(b), (c), (d), or (g) ~~(h)~~.

199 (f) ~~(g)~~ A person may not make any false affidavit or
200 affirmation intended for use as evidence by or before the
201 commission or a member thereof, or by any of its authorized
202 representatives, nor may any person give false testimony under
203 oath or affirmation to or before the commission or any member

596-03863-11

20111824c2

204 thereof in any proceeding authorized by this chapter.

205 (g)~~(h)~~ A person may not fail or refuse to appear at the
206 time and place designated in a subpoena issued with respect to a
207 violation of this chapter, unless because of facts that are
208 sufficient to excuse appearance in response to a subpoena from
209 the circuit court; nor may a person who is present before the
210 commission or a member thereof or one of its authorized
211 representatives acting under authority of this chapter refuse to
212 be sworn or to affirm or fail or refuse to answer fully any
213 question propounded by the commission, the member, or such
214 representative, or by any person by the authority of such
215 officer or appointee; nor may any person, so being present,
216 conduct herself or himself in a disorderly, disrespectful, or
217 contumacious manner.

218 (h)~~(i)~~ A person may not obstruct or hinder in any manner
219 the enforcement of this chapter or the performance of any lawful
220 duty by any person acting under the authority of this chapter or
221 interfere with, intimidate, or offer any bribe to any member of
222 the commission or any of its employees or any person who is, or
223 is expected to be, a witness in any investigation or proceeding
224 relating to a violation of this chapter.

225 (i)~~(j)~~ A broker or sales associate may not place, or cause
226 to be placed, upon the public records of any county, any
227 contract, assignment, deed, will, mortgage, affidavit, or other
228 writing which purports to affect the title of, or encumber, any
229 real property if the same is known to her or him to be false,
230 void, or not authorized to be placed of record, or not executed
231 in the form entitling it to be recorded, or the execution or
232 recording whereof has not been authorized by the owner of the

596-03863-11

20111824c2

233 property, maliciously or for the purpose of collecting a
234 commission, or to coerce the payment of money to the broker or
235 sales associate or other person, or for any unlawful purpose.
236 However, nothing in this paragraph shall be construed to
237 prohibit a broker or a sales associate from recording a judgment
238 rendered by a court of this state or to prohibit a broker from
239 placing a lien on a property where expressly permitted by
240 contractual agreement or otherwise allowed by law.

241 (j) ~~(k)~~ A person may not operate as a broker under a trade
242 name without causing the trade name to be noted in the records
243 of the commission and placed on the person's license, or so
244 operate as a member of a partnership or as a corporation or as
245 an officer or manager thereof, unless such partnership or
246 corporation is the holder of a valid current registration.

247 (k) ~~(l)~~ A person may not knowingly conceal any information
248 relating to violations of this chapter.

249 (l) ~~(m)~~ A person may not undertake to list or sell one or
250 more timeshare periods per year in one or more timeshare plans
251 on behalf of any number of persons without first being the
252 holder of a valid and current license as a broker or sales
253 associate pursuant to this chapter, except as provided in s.
254 475.011 and chapter 721.

255 (m) ~~(n)~~ A broker or sales associate may not enter into any
256 listing or other agreement regarding her or his services in
257 connection with the resale of a timeshare period unless the
258 broker or sales associate fully and fairly discloses all
259 material aspects of the agreement to the owner of the timeshare
260 period. Further, a broker or sales associate may not use any
261 form of contract or purchase and sale agreement in connection

596-03863-11

20111824c2

262 with the resale of a timeshare period unless the contract or
263 purchase and sale agreement fully and fairly discloses all
264 material aspects of the timeshare plan and the rights and
265 obligations of both buyer and seller. The commission is
266 authorized to adopt rules pursuant to chapter 120 as necessary
267 to implement, enforce, and interpret this paragraph.

268 (n)~~(o)~~ A person may not disseminate or cause to be
269 disseminated by any means any false or misleading information
270 for the purpose of offering for sale, or for the purpose of
271 causing or inducing any other person to purchase, lease, or
272 rent, real estate located in the state or for the purpose of
273 causing or inducing any other person to acquire an interest in
274 the title to real estate located in the state.

275 Section 5. Subsection (2) of section 477.0212, Florida
276 Statutes, is amended to read:

277 477.0212 Inactive status.—

278 (2) The board shall promulgate rules relating to licenses
279 which have become inactive and for the renewal of inactive
280 licenses. The board shall prescribe by rule a fee not to exceed
281 \$50 for the reactivation of an inactive license and a fee not to
282 exceed \$50 for the renewal of an inactive license. The board
283 shall also require a licensee to complete one renewal cycle of
284 continuing education requirements.

285 Section 6. Subsection (1) of section 477.0265, Florida
286 Statutes, is amended to read:

287 477.0265 Prohibited acts.—

288 (1) It is unlawful for any person to:

289 (a) Engage in the practice of cosmetology or a specialty
290 without an active license as a cosmetologist or registration as

596-03863-11

20111824c2

291 a specialist issued by the department pursuant to the provisions
292 of this chapter.

293 (b) Own, operate, maintain, open, establish, conduct, or
294 have charge of, either alone or with another person or persons,
295 a cosmetology salon or specialty salon:

296 1. Which is not licensed under the provisions of this
297 chapter; or

298 2. In which a person not licensed or registered as a
299 cosmetologist or a specialist is permitted to perform
300 cosmetology services or any specialty.

301 ~~(c) Engage in willful or repeated violations of this~~
302 ~~chapter or of any rule adopted by the board.~~

303 (c) ~~(d)~~ Permit an employed person to engage in the practice
304 of cosmetology or of a specialty unless such person holds a
305 valid, active license as a cosmetologist or registration as a
306 specialist.

307 (d) ~~(e)~~ Obtain or attempt to obtain a license or
308 registration for money, other than the required fee, or any
309 other thing of value or by fraudulent misrepresentations.

310 (e) ~~(f)~~ Use or attempt to use a license to practice
311 cosmetology or a registration to practice a specialty, which
312 license or registration is suspended or revoked.

313 (f) ~~(g)~~ Advertise or imply that skin care services or body
314 wrapping, as performed under this chapter, have any relationship
315 to the practice of massage therapy as defined in s. 480.033(3),
316 except those practices or activities defined in s. 477.013.

317 (g) ~~(h)~~ In the practice of cosmetology, use or possess a
318 cosmetic product containing a liquid nail monomer containing any
319 trace of methyl methacrylate (MMA).

596-03863-11

20111824c2

320 Section 7. Subsection (1) of section 481.217, Florida
321 Statutes, is amended to read:

322 481.217 Inactive status.—

323 (1) The board may prescribe by rule continuing education
324 requirements as a condition of reactivating a license. The rules
325 may not require more than one renewal cycle of continuing
326 education in order to reactive requirements for reactivating a
327 license for a registered architect or interior designer may not
328 exceed 12 contact hours for each year the license was inactive.
329 The minimum continuing education requirement for reactivating a
330 license for a registered interior designer shall be those of the
331 most recent biennium plus one half of the requirements in s.
332 481.215 for each year or part thereof during which the license
333 was inactive. The board may ~~shall only~~ approve continuing
334 education for an interior designer which that builds only upon
335 the basic knowledge of interior design.

336 Section 8. Subsection (1) of section 481.315, Florida
337 Statutes, is amended to read:

338 481.315 Inactive status.—

339 (1) A license that has become inactive or delinquent may be
340 reactivated under this section upon application to the
341 department and payment of any applicable biennial renewal or
342 delinquency fee, or both, and a reactivation fee. The board
343 shall also require a licensee to complete one renewal cycle of
344 continuing education requirements. ~~The board may prescribe by~~
345 ~~rule continuing education requirements as a condition of~~
346 ~~reactivating the license. The continuing education requirements~~
347 ~~for reactivating a license may not exceed 12 classroom hours for~~
348 ~~each year the license was inactive.~~

596-03863-11

20111824c2

349 Section 9. Subsections (3) and (6) of section 489.116,
350 Florida Statutes, are amended to read:

351 489.116 Inactive and delinquent status; renewal and
352 cancellation notices.—

353 (3) An inactive status certificateholder or registrant may
354 change to active status at any time, provided the
355 certificateholder or registrant meets all requirements for
356 active status, pays any additional licensure fees necessary to
357 equal those imposed on an active status certificateholder or
358 registrant, ~~and~~ pays any applicable late fees, and completes one
359 renewal cycle of continuing education requirements.

360 (6) An inactive certificateholder or registrant shall
361 complete one renewal cycle of ~~comply with the same~~ continuing
362 education requirements in order to reactive his or her
363 certification or registration, ~~if any, that are imposed on an~~
364 ~~active status certificateholder or registrant.~~

365 Section 10. Subsection (1) of section 489.519, Florida
366 Statutes, is amended to read:

367 489.519 Inactive status.—

368 (1) A certificate or registration that has become inactive
369 may be reactivated under s. 489.517 upon application to the
370 department. The licensee must complete one renewal cycle of
371 continuing education requirements. ~~The board may prescribe, by~~
372 ~~rule, continuing education requirements as a condition of~~
373 ~~reactivating a certificate or registration. The continuing~~
374 ~~education requirements for reactivating a certificate or~~
375 ~~registration may not exceed 12 classroom hours for each year the~~
376 ~~certificate or registration was inactive.~~

377 Section 11. Effective July 1, 2014, paragraph (v) of

596-03863-11

20111824c2

378 subsection (1) of section 475.611, Florida Statutes, as amended
379 by chapter 2010-84, Laws of Florida, is repealed.

380 Section 12. Notwithstanding the amendment made by this act
381 to section 10 of chapter 2010-84, Laws of Florida, effective
382 upon this act becoming a law, paragraphs (b) and (c) of
383 subsection (1) of section 475.626, Florida Statutes, as amended
384 by chapter 2010-84, Laws of Florida, are repealed.

385 Section 13. Subsection (14) of section 475.624, Florida
386 Statutes, as amended by chapter 2010-84, Laws of Florida, is
387 amended to read:

388 475.624 Discipline of appraisers.—The board may deny an
389 application for registration or certification of an appraiser;
390 may investigate the actions of any appraiser registered,
391 licensed, or certified under this part; may reprimand or impose
392 an administrative fine not to exceed \$5,000 for each count or
393 separate offense against any such appraiser; and may revoke or
394 suspend, for a period not to exceed 10 years, the registration,
395 license, or certification of any such appraiser, or place any
396 such appraiser on probation, if the board finds that the
397 registered trainee, licensee, or certificateholder:

398 (14) Has violated any standard of professional practice
399 established by board rule, including standards for the
400 development or communication of a real estate appraisal ~~or other~~
401 ~~provision of the Uniform Standards of Professional Appraisal~~
402 ~~Practice.~~

403 Section 14. Section 475.628, Florida Statutes, is amended
404 to read:

405 475.628 Professional standards for appraisers registered,
406 licensed, or certified under this part.—The board shall adopt

596-03863-11

20111824c2

407 rules establishing standards of professional practice that meet
408 or exceed nationally recognized standards of appraisal practice,
409 including standards adopted by the Appraiser Standards Board of
410 the Appraisal Foundation. Each appraiser registered, licensed,
411 or certified under this part must ~~shall~~ comply with the rules
412 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements
413 on appraisal standards which may be issued for the purpose of
414 clarification, interpretation, explanation, or elaboration
415 through the Appraisal Foundation shall also be binding on any
416 appraiser registered, licensed, or certified under this part,
417 upon adoption by board rule.

418 Section 15. Subsection (7) of section 509.032, Florida
419 Statutes, is amended to read:

420 509.032 Duties.—

421 (7) PREEMPTION AUTHORITY.—The regulation of public lodging
422 establishments and public food service establishments,
423 including, but not limited to, ~~the inspection of public lodging~~
424 ~~establishments and public food service establishments for~~
425 ~~compliance with the sanitation standards, inspections, adopted~~
426 ~~under this section, and the regulation of food safety protection~~
427 ~~standards for required training and testing of food service~~
428 ~~establishment personnel, and matters related to the nutritional~~
429 content and marketing of foods offered in such establishments
430 are preempted to the state. This subsection does not preempt the
431 authority of a local government or local enforcement district to
432 conduct inspections of public lodging and public food service
433 establishments for compliance with the Florida Building Code and
434 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
435 633.022.

596-03863-11

20111824c2

436 Section 16. Subsection (1) of section 509.261, Florida
437 Statutes, is amended to read:

438 509.261 Revocation or suspension of licenses; fines;
439 procedure.—

440 (1) Any public lodging establishment or public food service
441 establishment that has operated or is operating in violation of
442 this chapter or the rules of the division, operating without a
443 license, or operating with a suspended or revoked license may be
444 subject by the division to:

445 (a) Fines not to exceed \$1,000 per offense;

446 (b) Mandatory completion attendance, at personal expense,
447 of a remedial at an educational program administered sponsored
448 by a food safety training program provider whose program been
449 approved by the division, as provided in s. 509.049 the
450 Hospitality Education Program; and

451 (c) The suspension, revocation, or refusal of a license
452 issued pursuant to this chapter.

453 Section 17. Effective upon this act becoming a law, section
454 10 of chapter 2010-84, Laws of Florida, is amended to read:

455 Section 10. This act shall take effect July 1, 2014 ~~2011~~.

456 Section 18. Section 473.3066, Florida Statutes, is created
457 to read:

458 473.3066 Peer review oversight committee.—

459 (1) The board may establish a peer review oversight
460 committee to oversee the peer review requirements of s.
461 473.3125.

462 (2) If the board establishes the peer review oversight
463 committee, the board shall adopt rules providing for the
464 qualifications, appointment, and terms of committee members as

596-03863-11

20111824c2

465 follows:

466 (a) The peer review oversight committee shall be composed
467 of five or fewer members appointed by the board.

468 (b) Each committee member must hold a valid license as a
469 Florida certified public accountant.

470 (c) Each committee member or his or her firm must have
471 undergone a peer review and received a review rating of "pass"
472 on the most recent peer review.

473 (d) A committee member may not be a member of any state
474 accountancy board, be a member of another state accountancy
475 board committee, or perform any enforcement-related work for a
476 state accountancy board.

477 (e) Committee members shall serve for terms not to exceed 3
478 years, except that the board, to establish staggered terms, may
479 appoint members to initial terms that are shorter than the terms
480 adopted by rule. The board shall fill the vacancy of a committee
481 member for the unexpired portion of the member's term in the
482 same manner as the original appointment.

483 (f) Committee members shall serve without compensation and
484 are not entitled to reimbursement of per diem or travel
485 expenses.

486 (3) The rules, if adopted, shall also provide for the
487 duties of the peer review oversight committee, which may
488 include, but need not be limited to:

489 (a) Providing oversight for peer review programs and peer
490 review administering organizations.

491 (b) Periodically reporting to the board on the
492 effectiveness of peer review programs and providing a list of
493 licensees that participate in the programs.

596-03863-11

20111824c2

494 (c) Performing other duties relating to oversight of peer
495 review programs.

496 Section 19. Section 473.311, Florida Statutes, is amended
497 to read:

498 473.311 Renewal of license.—

499 (1) The department shall renew a license issued under s.
500 473.308 upon receipt of the renewal application and fee and upon
501 certification by the board that the Florida certified public
502 accountant has satisfactorily completed the continuing education
503 requirements of s. 473.312.

504 (2) Effective January 1, 2015, the department shall renew a
505 license issued under s. 473.3101 upon certification by the board
506 that the sole proprietor, partnership, corporation, limited
507 liability company, or other firm engaged in the practice of
508 public accounting as defined in s. 473.302 (8) (a) has
509 satisfactorily complied with the peer review requirements of s.
510 473.3125 or that the board has extended the time to comply with
511 the peer review requirements.

512 (3) ~~(2)~~ The department shall adopt rules establishing a
513 procedure for the biennial renewal of licenses issued under ss.
514 473.308 and 473.3101.

515 Section 20. Section 473.3125, Florida Statutes, is created
516 to read:

517 473.3125 Peer review.—

518 (1) As used in this section, the term:

519 (a) "Licensee" means a sole proprietor, partnership,
520 corporation, limited liability company, or any other firm
521 engaged in the practice of public accounting as defined in s.
522 473.302 (8) (a) which is required to be licensed under s.

596-03863-11

20111824c2

523 473.3101.

524 (b) "Peer review" means the study, appraisal, or review by
525 one or more independent certified public accountants of one or
526 more aspects of the professional work of a licensee.

527 (2) (a) Except as otherwise provided in paragraph (b) or
528 paragraph (c), a licensee must:

529 1. Enroll in the peer review program of a peer review
530 administering organization approved by the board; and

531 2. Undergo a complete peer review at least once every 3
532 years, which is performed in the manner prescribed by this
533 section and rules adopted by the board under this section and
534 for which a peer review report is submitted to and accepted by
535 the peer review administering organization.

536 (b) A licensee is not required to enroll in a peer review
537 program or undergo a peer review if the licensee does not engage
538 in the practice of public accounting as defined in s.
539 473.302(8)(a).

540 (c) A licensee that is licensed for less than 18 months
541 must enroll in a peer review program but is not required to
542 undergo a peer review.

543 (d) A licensee that receives a review rating of "fail" on
544 two consecutive peer reviews must submit to the board any
545 documentation requested by the board relating to the peer
546 reviews for which the licensee received a review rating of
547 "fail."

548 (3) (a) The board shall adopt rules establishing minimum
549 standards for peer review programs, including, but not limited
550 to, standards for administering, performing, and reporting peer
551 reviews. The board shall also adopt rules establishing minimum

596-03863-11

20111824c2

552 criteria for the board's approval of one or more peer review
553 administering organizations to facilitate and administer peer
554 review programs.

555 (b) The rules shall require a peer review administering
556 organization to submit to the board a written summary of the
557 organization's peer review program, including a description of
558 its entire peer review process; the organization's standards for
559 administering, performing, and reporting peer reviews; oversight
560 procedures; training requirements; and support materials.

561 (c) The board may approve a peer review administering
562 organization if:

563 1. The organization meets or exceeds the board's minimum
564 criteria for the approval of peer review administering
565 organizations.

566 2. The organization's peer review program meets or exceeds
567 the board's minimum standards for peer review programs.

568 3. The organization demonstrates the ability to administer
569 its peer review program in the manner described in its written
570 summary and to comply with the board's minimum standards for
571 peer review programs.

572 (d) The board may withdraw its approval of a peer review
573 administering organization if the organization fails to comply
574 with this section or rules adopted by the board under this
575 section.

576 (4) A certified public accountant or other person appointed
577 or authorized to perform administrative services for a peer
578 review administering organization is immune from civil liability
579 for furnishing information, data, reports, or records to the
580 peer review administering organization or for damages resulting

596-03863-11

20111824c2

581 from any decision, opinion, action, or proceeding that is
582 rendered, entered, or acted upon by the peer review
583 administering organization and that is undertaken or performed
584 within the scope or function of the duties of the peer review
585 administering organization.

586 (5) The proceedings, records, and workpapers of a peer
587 review administering organization are privileged, confidential,
588 and not subject to discovery, subpoena, or other means of legal
589 process or to introduction into evidence in a civil action or
590 arbitration proceeding. A person who is involved in a peer
591 review may not testify in a civil action or arbitration
592 proceeding as to any matter produced, presented, disclosed, or
593 discussed during or in connection with the peer review or as to
594 any finding, recommendation, evaluation, opinion, or other
595 action of the peer review administering organization. Public
596 records and materials prepared for a particular engagement are
597 not privileged merely because they were presented or considered
598 as part of a peer review. This privilege does not apply to any
599 dispute between a peer review administering organization and the
600 licensee subject to a review arising from the performance of the
601 peer review.

602 Section 21. Section 473.323, Florida Statutes, is amended
603 to read:

604 473.323 Disciplinary proceedings.—

605 (1) ~~The following acts constitute grounds for which~~ The
606 disciplinary actions in subsection (3) may be taken against any
607 certified public accountant or firm that:

608 (a) Violates ~~Violation of~~ any provision of s. 455.227(1) or
609 any other provision of this chapter.

596-03863-11

20111824c2

610 (b) Attempts ~~Attempting~~ to procure a license to practice
611 public accounting by bribery or fraudulent misrepresentations.

612 (c) Has ~~Having~~ a license to practice public accounting
613 revoked, suspended, or otherwise acted against, including ~~the~~
614 denial of licensure, by the licensing authority of another
615 state, territory, or country.

616 (d) Is ~~Being~~ convicted or found guilty of, or enters
617 ~~entering~~ a plea of nolo contendere to, regardless of
618 adjudication, a crime in any jurisdiction which directly relates
619 to the practice of public accounting or the ability to practice
620 public accounting.

621 (e) Makes ~~Making~~ or files ~~filing~~ a report or record that
622 the certified public accountant or firm knows to be false,
623 willfully fails ~~failing~~ to file a report or record required by
624 state or federal law, willfully impedes ~~impeding~~ or obstructs
625 ~~obstructing~~ such filing, or induces ~~inducing~~ another person to
626 impede or obstruct such filing. Such reports or records include
627 only those that are signed in the capacity of a certified public
628 accountant.

629 (f) Advertises ~~Advertising~~ goods or services in a manner
630 that is fraudulent, false, deceptive, or misleading in form or
631 content.

632 (g) Commits ~~Committing~~ an act of fraud or deceit, or of
633 negligence, incompetency, or misconduct, in the practice of
634 public accounting.

635 (h) Violates ~~Violation of~~ any rule adopted under ~~pursuant~~
636 ~~to~~ this chapter or chapter 455.

637 (i) Practices public accounting using ~~Practicing on~~ a
638 revoked, suspended, inactive, or delinquent license.

596-03863-11

20111824c2

639 (j) Has ~~Suspension or revocation of~~ the right to practice
640 public accounting suspended or revoked by ~~before~~ any state or
641 federal agency.

642 (k) Performs ~~Performance of~~ any fraudulent act in any
643 jurisdiction while holding a license to practice public
644 accounting in this state or while using practice privileges in
645 this state.

646 (l) Fails ~~Failing~~ to maintain a good moral character as
647 provided in s. 473.308 while applying for licensure, ~~or~~ while
648 licensed in this state, or while using practice privileges under
649 pursuant to s. 473.3141.

650 (m) Fails ~~Failing~~ to provide any written disclosure to a
651 client or the public which is required by this chapter or rule
652 adopted by ~~of~~ the board.

653 (n) Has ~~Having~~ the same or equivalent practice privileges
654 of a Florida certified public accountant or firm revoked,
655 suspended, or otherwise acted against by the licensing authority
656 of another state, territory, or country as a result of activity
657 in that jurisdiction which would have subjected the Florida
658 certified public accountant or firm to discipline in this state.

659
660 ~~(2)~~ The board shall specify, by rule, what acts or omissions
661 constitute a violation of this subsection ~~(1)~~.

662 (2) The disciplinary actions in subsection (3) may be taken
663 against any licensed audit firm or public accounting firm
664 licensed under s. 473.3101 engaged in the practice of public
665 accounting as defined in s. 473.302(8) (a) which:

666 (a) Fails to enroll in a peer review program or undergo a
667 peer review as required under s. 473.3125; or

596-03863-11

20111824c2

668 (b) Engages in material noncooperation with a peer review
669 administering organization approved by the board under s.
670 473.3125.

671 (3) When the board finds any certified public accountant or
672 firm guilty of any of the grounds set forth in subsection (1),
673 or finds any licensed audit firm or public accounting firm
674 licensed under s. 473.3101 engaged in the practice of public
675 accounting as defined in s. 473.302(8) (a) guilty of any of the
676 grounds set forth in subsection (2), the board ~~is~~ may enter an
677 order imposing one or more of the following penalties:

678 (a) Denial of an application for licensure.

679 (b) Revocation or suspension of the certified public
680 accountant's ~~accountant~~ or licensed audit firm's or public
681 accounting firm's license or practice privileges in this state.

682 (c) Imposition of an administrative fine not to exceed
683 \$5,000 for each count or separate offense.

684 (d) Issuance of a reprimand.

685 (e) Placement of the certified public accountant on
686 probation for a period of time and subject to such conditions as
687 the board may specify, including requiring the certified public
688 accountant to attend continuing education courses or to work
689 under the supervision of another certified public accountant
690 licensee.

691 (f) Restriction of the authorized scope of practice by the
692 certified public accountant.

693 (4) ~~Upon~~ ~~The department shall reissue the license of a~~
694 ~~disciplined licensee upon~~ certification by the board that a
695 certified public accountant, licensed audit firm, or public
696 accounting firm whose license was subject to discipline ~~the~~

596-03863-11

20111824c2

697 ~~disciplined licensee~~ has complied with all ~~of~~ the terms and
698 conditions set forth in the final order, the department shall
699 reissue the license under s. 473.311.

700 Section 22. Present subsection (4) of section 481.205,
701 Florida Statutes, is renumbered as subsection (5), and a new
702 subsection (4) is added to that section, to read:

703 481.205 Board of Architecture and Interior Design.—

704 (4) In addition to the authority granted in subsection (3),
705 the board may contract for all other services pursuant to s.
706 455.32.

707 Section 23. Section 686.201, Florida Statutes, is repealed.

708 Section 24. Paragraph (c) of subsection (5) of section
709 373.461, Florida Statutes, is amended to read:

710 373.461 Lake Apopka improvement and management.—

711 (5) PURCHASE OF AGRICULTURAL LANDS.—

712 (c) The district shall explore the availability of funding
713 from all sources, including any federal, state, regional, and
714 local land acquisition funding programs, to purchase the
715 agricultural lands described in paragraph (a). It is the
716 Legislature's intent that, if such funding sources can be
717 identified, acquisition of the lands described in paragraph (a)
718 may be undertaken by the district to purchase these properties
719 from willing sellers. However, the purchase price paid for
720 acquisition of such lands that were in active cultivation during
721 1996 shall not exceed the highest appraisal obtained by the
722 district for these lands from a state-certified general
723 appraiser following the standards of professional practice
724 established by rule of the Florida Real Estate Appraisal Board,
725 including standards for the development or communication of a

596-03863-11

20111824c2

726 real estate appraisal ~~Uniform Standards of Professional~~
727 ~~Appraisal Practice~~. This maximum purchase price limitation shall
728 not include, nor be applicable to, that portion of the purchase
729 price attributable to consideration of income described in
730 paragraph (b), or that portion attributable to related
731 facilities, or closing costs.

732 Section 25. Paragraph (t) of subsection (1) of section
733 475.25, Florida Statutes, is amended to read:

734 475.25 Discipline.—

735 (1) The commission may deny an application for licensure,
736 registration, or permit, or renewal thereof; may place a
737 licensee, registrant, or permittee on probation; may suspend a
738 license, registration, or permit for a period not exceeding 10
739 years; may revoke a license, registration, or permit; may impose
740 an administrative fine not to exceed \$5,000 for each count or
741 separate offense; and may issue a reprimand, and any or all of
742 the foregoing, if it finds that the licensee, registrant,
743 permittee, or applicant:

744 (t) Has violated any standard of professional practice
745 established by rule of the Florida Real Estate Appraisal Board,
746 including standards for the development or communication of a
747 real estate appraisal ~~or other provision of the Uniform~~
748 ~~Standards of Professional Appraisal Practice, as defined in s.~~
749 ~~475.611~~, as approved and adopted by the Appraisal Standards
750 Board of the Appraisal Foundation, as defined in s. 475.611.
751 This paragraph does not apply to a real estate broker or sales
752 associate who, in the ordinary course of business, performs a
753 comparative market analysis, gives a broker price opinion, or
754 gives an opinion of value of real estate. However, in no event

596-03863-11

20111824c2

755 may this comparative market analysis, broker price opinion, or
756 opinion of value of real estate be referred to as an appraisal,
757 as defined in s. 475.611.

758 Section 26. Subsection (5) of section 475.615, Florida
759 Statutes, is amended to read:

760 475.615 Qualifications for registration or certification.—

761 (5) At the time of filing an application for registration
762 or certification, the applicant must sign a pledge indicating
763 that upon becoming registered or certified, he or she will
764 comply with the standards of professional practice established
765 by board rule, including standards for the development or
766 communication of a real estate appraisal, ~~to comply with the~~
767 Uniform Standards of Professional Appraisal Practice upon
768 registration or certification and must indicate in writing that
769 she or he understands the types of misconduct for which
770 disciplinary proceedings may be initiated. The application shall
771 expire 1 year after the date received by the department.

772 Section 27. Subsections (1), (2), and (3) of section
773 475.617, Florida Statutes, are amended to read:

774 475.617 Education and experience requirements.—

775 (1) To be registered as a trainee appraiser, an applicant
776 must present evidence satisfactory to the board that she or he
777 has successfully completed at least 100 hours of approved
778 academic courses in subjects related to real estate appraisal,
779 which shall include coverage of the Uniform Standards of
780 Professional Appraisal Practice, or its equivalent, as
781 established by board rule, from a nationally recognized or
782 state-recognized appraisal organization, career center,
783 accredited community college, college, or university, state or

596-03863-11

20111824c2

784 federal agency or commission, or proprietary real estate school
785 that holds a permit pursuant to s. 475.451. The board may
786 increase the required number of hours to not more than 125
787 hours. A classroom hour is defined as 50 minutes out of each 60-
788 minute segment. Past courses may be approved on an hour-for-hour
789 basis.

790 (2) To be certified as a residential appraiser, an
791 applicant must present satisfactory evidence to the board that
792 she or he has met the minimum education and experience
793 requirements prescribed by rule of the board. The board shall
794 prescribe by rule education and experience requirements that
795 meet or exceed the following real property appraiser
796 qualification criteria adopted on February 20, 2004, by the
797 Appraisal Qualifications Board of the Appraisal Foundation:

798 (a) Has at least 2,500 hours of experience obtained over a
799 24-month period in real property appraisal as defined by rule.

800 (b) Has successfully completed at least 200 classroom
801 hours, inclusive of examination, of approved academic courses in
802 subjects related to real estate appraisal, which shall include a
803 15-hour National Uniform Standards of Professional Appraisal
804 Practice course, or its equivalent, as established by board
805 rule, from a nationally recognized or state-recognized appraisal
806 organization, career center, accredited community college,
807 college, or university, state or federal agency or commission,
808 or proprietary real estate school that holds a permit pursuant
809 to s. 475.451. A classroom hour is defined as 50 minutes out of
810 each 60-minute segment. Past courses may be approved by the
811 board and substituted on an hour-for-hour basis.

812 (3) To be certified as a general appraiser, an applicant

596-03863-11

20111824c2

813 must present evidence satisfactory to the board that she or he
814 has met the minimum education and experience requirements
815 prescribed by rule of the board. The board shall prescribe
816 education and experience requirements that meet or exceed the
817 following real property appraiser qualification criteria adopted
818 on February 20, 2004, by the Appraisal Qualifications Board of
819 the Appraisal Foundation:

820 (a) Has at least 3,000 hours of experience obtained over a
821 30-month period in real property appraisal as defined by rule.

822 (b) Has successfully completed at least 300 classroom
823 hours, inclusive of examination, of approved academic courses in
824 subjects related to real estate appraisal, which shall include a
825 15-hour National Uniform Standards of Professional Appraisal
826 Practice course, or its equivalent, as established by board
827 rule, from a nationally recognized or state-recognized appraisal
828 organization, career center, accredited community college,
829 college, or university, state or federal agency or commission,
830 or proprietary real estate school that holds a permit pursuant
831 to s. 475.451. A classroom hour is defined as 50 minutes out of
832 each 60-minute segment. Past courses may be approved by the
833 board and substituted on an hour-for-hour basis.

834 Section 28. Subsection (1) of section 475.6175, Florida
835 Statutes, is amended to read:

836 475.6175 Registered trainee appraiser; postlicensure
837 education required.—

838 (1) The board shall prescribe postlicensure educational
839 requirements in order for a person to maintain a valid
840 registration as a registered trainee appraiser. If prescribed,
841 the postlicensure educational requirements consist of one or

596-03863-11

20111824c2

842 more courses which total no more than the total educational
843 hours required to qualify as a state certified residential
844 appraiser. Such courses must be in subjects related to real
845 estate appraisal and shall include coverage of the Uniform
846 Standards of Professional Appraisal Practice, or its equivalent,
847 as established by board rule. Such courses are provided by a
848 nationally or state-recognized appraisal organization, career
849 center, accredited community college, college, or university,
850 state or federal agency or commission, or proprietary real
851 estate school that holds a permit pursuant to s. 475.451.

852 Section 29. Subsection (4) of section 475.6235, Florida
853 Statutes, is amended to read:

854 475.6235 Registration of appraisal management companies
855 required.—

856 (4) At the time of filing an application for registration
857 of an appraisal management company, each person listed in
858 paragraph (2) (f) must sign a pledge to comply with the standards
859 of professional practice established by board rule, including
860 standards for the development or communication of a real estate
861 appraisal, ~~Uniform Standards of Professional Appraisal Practice~~
862 upon registration and must indicate in writing that she or he
863 understands the types of misconduct for which disciplinary
864 proceedings may be initiated. The application shall expire 1
865 year after the date received by the department.

866 Section 30. Paragraph (n) of subsection (1) of section
867 475.6245, Florida Statutes, is amended to read:

868 475.6245 Discipline of appraisal management companies.—

869 (1) The board may deny an application for registration of
870 an appraisal management company; may investigate the actions of

596-03863-11

20111824c2

871 any appraisal management company registered under this part; may
872 reprimand or impose an administrative fine not to exceed \$5,000
873 for each count or separate offense against any such appraisal
874 management company; and may revoke or suspend, for a period not
875 to exceed 10 years, the registration of any such appraisal
876 management company, or place any such appraisal management
877 company on probation, if the board finds that the appraisal
878 management company or any person listed in s. 475.6235(2)(f):

879 (n) Has instructed an appraiser to violate any standard of
880 professional practice established by board rule, including
881 standards for the development or communication of a real estate
882 appraisal or other provision of the Uniform Standards of
883 Professional Appraisal Practice.

884 Section 31. Except as otherwise expressly provided in this
885 act and except for this section, which shall take effect upon
886 this act becoming a law, this act shall take effect July 1,
887 2011.